

REMARKS

Claims 1-3, 6-12, 15, 16, 19 and 20 were examined and reported in the Office Action. Claims 1-3, 6-12, 15, 16, 19 and 20 are rejected. Claims 1, 8, 12 and 16 are amended. Claims 1-3, 6-12, 15, 16, 19 and 20 remain.

Applicant requests reconsideration of the application in view of the following remarks.

I. 35 U.S.C. § 103(a)

It is asserted in the Office Action that claims 1-3, 6-12, 15, 16, 19 and 20 are rejected in the Office Action under 35 U.S.C. § 103(a), as being unpatentable over U. S. Patent No. 5,896,499 issued to McKelvey ("McKelvey") in view of Applicant's admittance of prior art ("AAPA"). Applicant respectfully traverses the aforementioned rejection for the following reasons.

According to MPEP §2142

[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure." (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)).

Further, according to MPEP §2143.03, "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (*In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." "All words in a claim must be considered in judging the patentability of that claim against the prior art." (*In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970), emphasis added.)

McKelvey discloses security processor 173, a firewall monitoring program 160 and embedded security processor 173. In McKelvey, when an error condition occurs, the embedded

security processor 173 is disabled. Upon the detection of the error condition, the threat is isolated from the system bus 105. Distinguishable, in Applicant's claimed invention, when an error condition is detected, the protocol being used is switched to HTTP-S and is prevented from being switched back to HTTP until the error condition is corrected. This also means that if the mode is already secured, the protocol (HTTP-S) remains until the error conditions are corrected. Therefore, in Applicant's claimed invention data is still transmitted over the bus when an error condition is present. That is, the threat is not isolated from the bus as in McKelvey, but the protocol used is a secure protocol.

Therefore, even if McKelvey is combined with AAPA, the resulting invention would still not teach, disclose or suggest Applicant's limitations contained in: claim 1 of

a security switch to switch the first link from a non-secured mode using an HTTP protocol to a secured mode using an HTTP-S protocol when a report of the detected failures or intrusions is received from the bus monitor, wherein data sent across the first link remains in the secured mode using the HTTP-S protocol when the report of the detected failures or intrusions is received from the bus monitor and is prevented from switching to the non-secured mode using the HTTP protocol until the detected failures or intrusions are corrected.

claim 8 of

a controller to monitor a link between the interface device and the server, where the controller switches the link from a non-secured protocol using an HTTP protocol to a secured protocol using an HTTP-S protocol when failures or intrusions are detected on the link, wherein data sent across the link remains using the HTTP-S protocol when the failures or intrusions are detected and is prevented from switching to HTTP protocol until the detected failures or intrusions are corrected.

nor claims 12 and 16 of

"data sent across the link remains using the HTTP-S protocol when the failures or intrusions are detected and is prevented from switching to HTTP protocol until the detected failures or intrusions are corrected."

Since neither McKelvey, AAPA, and therefore, nor the combination of the two, teach, disclose or suggest all the limitations of Applicant's amended claims 1, 8, 12 and 16, as listed

above, Applicant's amended claims 1, 8, 12 and 16 are not obvious over McKelvey in view of AAPA since a *prima facie* case of obviousness has not been met under MPEP §2142.

Additionally, the claims that directly or indirectly depend from amended claims 1, 8, 12 and 16, namely claims 2-3 and 6-7, 9-11, 15, and 19-20, respectively, would also not be obvious over McKelvey in view of AAPA for the same reason.

Accordingly, withdrawal of the 35 U.S.C. § 103(a) rejections for claims 1-3, 6-12, 15, 16, 19 and 20 are respectfully requested.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-3, 6-12, 15, 16, 19 and 20 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Jean Svoboda

Date: May 10, 2007